

CIVIL, CLOSED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:06-cv-02768-MCE-DAD
Internal Use Only**

Davies et al v. Merck & Company, Inc. et al
Assigned to: Judge Morrison C. England, Jr
Referred to: Magistrate Judge Dale A. Drozd
Cause: 28:1441 Petition for Removal- Personal Injury

Date Filed: 12/07/2006
Date Terminated: 06/28/2007
Jury Demand: Defendant
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Carol Ann Davies

represented by **Alissa S. Holt**
Hackard & Holt
11335 Gold Express Drive
Suite 155
Gold River, CA 95670
916-853-3000
Fax: 916-853-3010
Email: aholt@hackardlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrea J. McNeil
Hackard and Holt
11335 Gold Express Drive
Suite 155
Gold River, CA 95670
916-853-3000
Fax: 916-853-3010
Email: amcneil@hackardlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Harry Davies

represented by **Alissa S. Holt**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrea J. McNeil
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Merck & Company, Inc.

represented by **Kevin Michael Hara**
Reed Smith LLP (Oakland)
1999 Harrison Street
Suite 2400
PO Box 2084
Oakland, CA 94612-2084
(510) 466-6761
Fax: (510) 273-8832
Email: khara@reedsmith.com
ATTORNEY TO BE NOTICED

Defendant

McKesson Corporation

represented by **Kanika D. Corley**
Morris Polich and Purdy
1055 West Seventh Street
24th Floor
Los Angeles, CA 90017
(213) 891-9100
Fax: (213) 488-1178
Email: kcorley@mpplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Amerisourcebergen Corporation

represented by **Kanika D. Corley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Pfizer Inc

represented by **Peter Edward Schnaitman**
Tucker Ellis and West
1000 Wilshire Boulevard
Suite 1800
Los Angeles, CA 90017-2475
213-430-3400
Email:
peter.schnaitman@tuckerellis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tae-Yoon Kim
Tucker Ellis & West
1000 Wilshire Boulevard
Suite 1800
Los Angeles, CA 90017
213-430-3400

Fax: 213-430-3409
 Email: tae.kim@tuckerellis.com
ATTORNEY TO BE NOTICED

Defendant**G. D. Searle LLC**

represented by **Peter Edward Schnaitman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tae-Yoon Kim
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Pharmacia Corporation**

represented by **Peter Edward Schnaitman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tae-Yoon Kim
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2006	1	NOTICE of REMOVAL <i>Of Action Under 28 U.S.C. Section 1441(B)</i> from Los Angeles County Superior Court, case number BC359104. by Merck & Company, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Civil Cover Sheet # <u>10</u> Attachment to Civil Cover Sheet) (Hara, Kevin) (Entered: 12/07/2006)
12/07/2006	2	CONSENT to Removal of Action Under 28 U.S.C. Section 1441(B).(<u>1</u> by Merck & Company, Inc., Pfizer Inc., Pharmacia Corporation, and G. D. Searle LLC. (Hara, Kevin) Modified on 12/7/2006 (Duong, D). (Entered: 12/07/2006)
12/07/2006		(Court only) SUBMISSION of CREDIT CARD INFORMATION for Removal from State Court Filing Fee in the amount of \$350.00; Type of Credit Card: MasterCard Name as it appears on Credit Card: Louis W. Tullius Reed Smith Gov Filings Contact Telephone Number: (412) 288-3131 Street: 435 Sixth Avenue Zip code: 15219 Credit Card Number: xxxx-xxxx-xxxx-xxxx Expiration Date: xx/xx Security Code: xxx (Hara, Kevin) (Entered: 12/07/2006)

12/07/2006		(Court only) ATTORNEY UPDATE: Attorney Peter Edward Schnaitman for Pfizer Inc and G. D. Searle LLC added. (Duong, D) (Entered: 12/07/2006)
12/07/2006	3	(Court only) PROCESS CREDIT CARD (Duong, D) (Entered: 12/07/2006)
12/07/2006	●	RECEIPT number 12544 for \$350.00 for New Case Filing Fee from Louis W Tullius Reed Smith. (Manzer, C) (Entered: 12/07/2006)
12/07/2006	●4	SUMMONS ISSUED as to *Merck & Company, Inc., McKesson Corporation, Amerisourcebergen Corporation, Pfizer Inc, G. D. Searle LLC, Pharmacia Corporation* with answer to complaint due within *20* days. Attorney *Theodore J. Holt* *11335 Gold Express Drive* *Suite 105* *Gold River, Ca 95670*. (Manzer, C) (Entered: 12/07/2006)
12/07/2006	●5	CIVIL NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Forms # <u>2</u> VDRP Forms) (Manzer, C) (Entered: 12/07/2006)
12/07/2006	●6	NOTICE of RELATED CASE 2:05-cv-02140, 2:05-cv-02199, 2:05-cv-02203, 2:05-cv-02193, 2:05-cv-02240, 2:05-cv-02218, 2:05-cv-02267, 2:05-cv-02436, 2:05-cv-02437, 2:05-cv-02446, 2:05-cv-02464, 2:05-cv-02465, 2:05-cv-02567, 2:05-cv-02568, 2:05-cv-02584, 2:06-cv-00062, 2:05-cv-2609, 2:06-cv-00082, 2:06-cv-2399, 2:06-cv-00241 by Merck & Company, Inc.. including 2:06-cv-00281; 2:06-cv-00324; 2:06-cv-00330; 2:06-cv-00477; 2:06-cv-0487; 2:06-cv-0583; 2:06-cv-0593; 2:06-cv-0617; 2:06-cv-00653; 2:06-cv-0675; 2:06-cv-0692; 2:06-cv-0690; 2:06-cv-00694; 2:06-cv-0718; 2:06-cv-0728; 2:06-cv-0774; 2:06-cv-01294; 2:06-cv-1313; 2:06-cv-00993; 2:06-cv-01597; 1:06-cv-01006; 2:06-cv-01826; 2:06-cv-1845; 2:06-cv-1941; 2:06-cv-1954; 2:06-cv-1957; 2:06-cv-1973; 2:06-cv-1977; 2:06-cv-1978; 2:06-cv-2079; 2:06-cv-2093; 2:06-cv-2102; 2:06-cv-2103; 2:06-cv-02215; 2:06-cv-2281; 2:06-cv-2284; 2:06-cv-2285; 2:06-cv-2275; 2:06-cv-2283; 2:06-cv-2332; 2:06-cv-2350; 2:06-cv-2362; 2:06-cv-2352; 2:06-cv-2354; 2:06-cv-2348; 2:06-cv-2351; 2:06-cv-2349; 2:06-cv-2346; 2:06-cv-02436; 2:06-cv-02434; 2:06-cv-02431; 2:06-cv-02422; 2:06-cv-02344; 2:06-cv-02473; 2:06-cv-02474; 2:06-cv-02477; 2:06-cv-02471; 2:06-cv-02472; 2:06-cv-02479; 2:06-cv-02480; 2:06-cv-02489, 2:06-cv-02490, 2:06-cv-02473, 2:06-cv-02474, 2:06-cv-02477, 2:06-cv-02471, 2:06-cv-02472, 2:06-cv-02479, 2:06-cv-02512, 2:06-cv-02520, 2:06-cv-02516, 2:06-cv-02518, 2:06-cv-02525, 2:06-cv-02523, 2:06-cv-02546, 2:06-cv-02547, 2:06-cv-02548, 2:06-cv-02559, 2:06-cv-02560, 2:06-cv-02563, 2:06-cv-02568; 2:06-cv-02574; 2:06-cv-02575; 2:06-cv-02598; 2:06-cv-02599; 2:06-cv-02600; 2:06-cv-02601 and 2:06-cv-02717 (Hara, Kevin) (Entered: 12/07/2006)
12/09/2006	●7	NOTICE of RELATED CASE 2:06-cv-02776 by Merck & Company, Inc.. Amended (Hara, Kevin) (Entered: 12/09/2006)
12/11/2006	●8	CERTIFICATE of SERVICE by Merck & Company, Inc. re <u>1</u> Notice of Removal - ATY,. (Hara, Kevin) (Entered: 12/11/2006)
12/12/2006	●9	ANSWER to COMPLAINT with Jury Demand by McKesson

		Corporation. Attorney Corley, Kanika D. added.(Corley, Kanika) (Entered: 12/12/2006)
12/12/2006	● <u>10</u>	CERTIFICATION and NOTICE of Interested Parties by McKesson Corporation. (Corley, Kanika) Modified on 12/13/2006 (Krueger, M). (Entered: 12/12/2006)
12/21/2006	● <u>11</u>	ANSWER to COMPLAINT with Jury Demand by Amerisourcebergen (Drug) Corporation. Attorney Kanika D. Corley added. (Corley, Kanika) Modified on 12/22/2006 (Krueger, M). (Entered: 12/21/2006)
12/21/2006	● <u>12</u>	ANSWER to COMPLAINT with Jury Demand by Pfizer Inc., Pharmacia Corporation, and G.D. Searle LLC. Attorney Tae-Yoon Kim added. (Kim, Tae-Yoon) Modified on 12/22/2006 (Krueger, M). (Entered: 12/21/2006)
12/22/2006	● <u>13</u>	NOTICE of RELATED CASE 2:06-cv-02780, 2:06-cv-02787, 2:06-cv-02807, 2:06-cv-02812, 2:06-cv-02814, 2:06-cv-02817, 2:06-cv-02826, 2:06-cv-02829, 2:06-cv-02830, 2:06-cv-0833, 2:06-cv-02851, 2:06-cv-02853, 2:06-cv-02875 by Merck & Company, Inc.. Amended (Hara, Kevin) (Entered: 12/22/2006)
01/08/2007	● <u>14</u>	MOTION to REMAND <i>to the Superior Court of the State of California, County of Los Angeles, JCCP 4247</i> by Carol Ann Davies, Harry Davies. Attorney McNeil, Andrea J. added. Motion Hearing set for 2/12/2007 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.. (McNeil, Andrea) Modified on 1/26/2007 (Donati, J). (Entered: 01/08/2007)
01/08/2007	● <u>15</u>	MEMORANDUM/RESPONSE in SUPPORT re <u>14</u> MOTION to REMAND <i>to the Superior Court of the State of California, County of Los Angeles, JCCP 4247</i> . (McNeil, Andrea) (Entered: 01/08/2007)
01/08/2007	● <u>16</u>	DECLARATION of Andrea J. McNeil in SUPPORT OF re <u>14</u> MOTION to REMAND <i>to the Superior Court of the State of California, County of Los Angeles, JCCP 4247</i> . (Attachments: # <u>1</u> Exhibit A-E)(McNeil, Andrea) (Entered: 01/08/2007)
01/08/2007	● <u>17</u>	PROPOSED ORDER re <u>14</u> MOTION to REMAND <i>to the Superior Court of the State of California, County of Los Angeles, JCCP 4247</i> , <u>16</u> , <u>15</u> Memorandum/Response in Support of Motion by Carol Ann Davies, Harry Davies. (McNeil, Andrea) (Entered: 01/08/2007)
01/12/2007	● <u>18</u>	MOTION to STAY <i>All Proceedings Pending Transfer</i> by Merck & Company, Inc.. Motion Hearing set for 2/12/2007 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.. (Attachments: # <u>1</u> Declaration Of Kevin M. Hara # <u>2</u> Exhibit A Through E In Support Of Hara Decl. # <u>3</u> Exhibit F Through I In Support Of Hara Decl. # <u>4</u> Proposed Order Granting Merck's Motion To Stay)(Hara, Kevin) Modified on 1/16/2007 (Manzer, C). (Entered: 01/12/2007)
01/15/2007	● <u>19</u>	NOTICE of RELATED CASE 2:07-cv-00034, 2:07-cv-00042, 2:07-cv-00048, 2:07-cv-00051, 2:07-cv-00057, 2:07-cv-00058, 2:07-cv-00062,

		2:07-cv-00067, 2:07-cv-00068, 2:07-cv-00075, 2:07-cv-00077, 2:07-cv-00073, 2:07-cv-00079 by Merck & Company, Inc.. <i>Amended</i> (Hara, Kevin) (Entered: 01/15/2007)
01/17/2007	● <u>20</u>	NOTICE of RELATED CASE 2:07-cv-00034, 2:07-cv-00042, 2:07-cv-00048, 2:07-cv-00051, 2:07-cv-00057, 2:07-cv-00058, 2:07-cv-00061, 2:07-cv-00067, 2:07-cv-00068, 2:07-cv-00075, 2:07-cv-00077, 2:07-cv-00073, 2:07-cv-00079 by Merck & Company, Inc.. <i>Amended</i> (Hara, Kevin) (Entered: 01/17/2007)
01/17/2007	● <u>21</u>	OPPOSITION to <u>18</u> MOTION to STAY <i>all proceedings pending transfer</i> . (Attachments: # <u>1</u> Declaration Andrea J. McNeil # <u>2</u> Exhibit A-F # <u>3</u> Exhibit G-I)(McNeil, Andrea) Modified on 1/17/2007 (Yin, K). Modified on 1/18/2007 (Marciel, M). (Entered: 01/17/2007)
01/19/2007	● <u>22</u>	OPPOSITION to <u>18</u> MOTION to STAY <i>All Proceedings Pending Transfer</i> (WITH ATTORNEY SIGNATURE). (Attachments: # <u>1</u> Declaration Andrea J. McNeil # <u>2</u> Exhibits A-F # <u>3</u> Exhibits G-I) (McNeil, Andrea) Modified on 1/22/2007 (Krueger, M). (Entered: 01/19/2007)
01/25/2007	● <u>23</u>	MEMORANDUM/RESPONSE by Pfizer Inc. in Opposition to <u>14</u> Motion to Remand. (Kim, Tae-Yoon) Modified on 1/26/2007 (Donati, J). (Entered: 01/25/2007)
01/25/2007	● <u>24</u>	DECLARATION of Tae-Yoon Kim in Support of <u>23</u> Memorandum. (Kim, Tae-Yoon) Modified on 1/26/2007 (Donati, J). (Entered: 01/25/2007)
01/26/2007	● <u>25</u>	MEMORANDUM in OPPOSITION to <u>14</u> Motion to Remand. (Attachments: # <u>1</u> Declaration of Kevin M. Hara # <u>2</u> Exhibits A - H to Decl. # <u>3</u> Exhibits I - L to Decl. # <u>4</u> Exhibits M - S of Decl. # <u>5</u> Declaration of Gregory S. Yonko # <u>6</u> Declaration of Leonardo DeCandia) (Hara, Kevin) Modified on 1/29/2007 (Krueger, M). (Entered: 01/26/2007)
01/30/2007	● <u>26</u>	MINUTE ORDER: (TEXT ONLY ENTRY) Defendants' <u>18</u> Motion to Stay and Plaintiffs' <u>14</u> Motion to Remand are MOOT in light of the Conditional Transfer Order from Multidistrict Litigation Panel- No. 1657 and 1699, filed on 1/25/07, CTO-82 and CTO-51. The hearing on the motions set for 2/12/07 are VACATED. If it becomes necessary to have the motions heard at a later date, the parties may file an amended notice of hearing resetting the motions on the court's civil calendar. Approved by Judge Morrison C. England Jr. on 1/30/07. (Souvannarath, A) (Entered: 01/30/2007)
04/03/2007	● <u>27</u>	AMENDED NOTICE of RELATED CASE 2:07-cv-00623, 2:07-cv-00626 by Merck & Company, Inc.. (Hara, Kevin) Modified on 4/4/2007 (Yin, K). (Entered: 04/03/2007)
06/28/2007	● <u>28</u>	MDL ORDER CASE TRANSFERRED to Northern District of California, (S.F.) MDL #05-1699. Electronic case file, transfer order, and docket sheet sent. CASE CLOSED(Reader, L) (Entered: 06/28/2007)